

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC, IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB
MDL No. 2570

This Document Relates to Plaintiff(s)

Deborah Sheppard-Sanders

Civil Case # 1:22-cv-1392

SHORT FORM COMPLAINT

COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Deborah Sheppard-Sanders

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

California

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

California

6. Plaintiff's/Deceased Party's current state of residence:

California

7. District Court and Division in which venue would be proper absent direct filing:

California Central District Court - Los Angeles, CA

8. Defendants (Check Defendants against whom Complaint is made):

☒ Cook Incorporated

☒ Cook Medical LLC

☐ William Cook Europe ApS

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

6-28

b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

- ☐ Günther Tulip® Vena Cava Filter
- ☒ Cook Celect® Vena Cava Filter
- ☐ Gunther Tulip Mreye
- ☐ Cook Celext Platinum
- ☐ Other

11. Date of Implantation as to each product:

February 27, 2018

12. Hospital(s) where Plaintiff was implanted (including City and State):

Cedars Siani Medical Center, 8700 Beverly Blvd., Los Angeles, CA 90048

13. Implanting Physician(s):

Dr. Richard J. VanAllan

14. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Failure to Warn
- ☒ Count II: Strict Products Liability – Design Defect
- ☒ Count III: Negligence
- ☒ Count IV: Negligence Per Se

- ☒ Count V: Breach of Express Warranty
- ☒ Count VI: Breach of Implied Warranty
- ☒ Count VII: Violations of Applicable _____ (insert State)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count VIII: Loss of Consortium
- ☐ Count IX: Wrongful Death
- ☐ Count X: Survival
- ☐ Count XI: Punitive Damages
- ☒ Other: Fraudulent Concealment (please state the facts supporting
this Count in the space, immediately below)
- ☐ Other: _____ (please state the facts supporting
this Count in the space, immediately below)

See attached brief for specific allegations

15. Attorney for Plaintiff(s):

Lawana S. Wichmann

16. Address and bar information for Attorney for Plaintiff(s):

OnderLaw, LLC

Onder Law, 110 East Lockwood Avenue

St. Louis, MO 63119

Respectfully submitted,

OnderLaw, LLP

By /s/ Lawana S. Wichmann

Lawana S. Wichmann, #53999 MO
110 E. Lockwood, 2nd Floor
St. Louis, MO 63119
wichmann@onderlaw.com
(314)963-9000 telephone
(314) 963-1700 facsimile

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2022 a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system. A copy of the foregoing was also served via U.S. Mail to the following non-CM/ECF participants:

Angela Spears
Rosen & Spears
5075 Westheimer, Suite 760
Houston, TX 77056

Cliff W. Marcek
Cliff W. Marcek, P.C.
700 South Third Street
Las Vegas, NV 89101

Anthony James Urban
Law Offices of Anthony Urban, P.C.
474 N. Centre Street, Third Floor
Pottsville, PA 17901

David J. Britton
Law Offices of David J. Britton
2209 N. 30th Street, Suite 4
Tacoma, WA 98403

Bard K. Brian
222 Kentucky Avenue, Suite 10
Paducah, KY 42001

Brian J. Urban
Law Offices of Anthony Urban, P.C.
474 N. Centre Street, Third Floor
Pottsville, PA 17901

Charles Rene Houssiere, III
Houssiere Durant & Houssiere, LLP
1990 Post Oak Blvd., Suite 800
Houston, TX 77056-3812

Corrie Johnson Yackulic
Corrie Yackulic Law Firm PLLC
315 5th Avenue South, Suite 1000
Seattle, WA 98104-2682

George Jerre Duzane
Duzane, Kooperman & Mondelli
603 Woodland Street
Nashville, TN 37206-4211
Joseph A. Napiltonia
Law Office of Joe Napiltonia
213 Third Avenue North
Franklin, TN 37064

Lucas J. Foust
Foust Law Office
1043 Stoneridge Drive, Suite 2
Bozeman, MT 59718

Wilnar J. Julmiste
Anderson Glenn LLP – Boca Raton, FL
2201 NW Corporate Boulevard
Suite 100
Boca Raton, FL 33431

Jay Harris
Harris, Reny & Torzewski
Two Maritime Plaza, 3rd Floor
Toledo, OH 43604

Justin Kyle Brackett
Tim Moore, Attorney at Law, P.A.
305 East King St.
Kings Mountain, NC 28086

Marian S. Rosen
Rosen & Spears
5075 Westheimer, Suite 760
Houston, TX 77056

Peter C. Wetherall
Wetherall Group, Ltd.
9345 W. Sunset Road, Suite 100
Las Vegas, NV 89148

Thomas H. Terry, III
619 Calhoon Road
Bay Village, OH 44140
Robert M. Hammers, Jr.
Jason T. Schneider, P.C.
611-D Peachtree Dunwoody Road
Atlanta, GA 30328

W. Bryan Smith
Morgan & Morgan, LLC
2600 One Commerce Square
Memphis, TN 38103

/s/ Lawana S. Wichmann